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**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4817PCT	<b>FOR FURTHER ACTION</b> See Form PCT/IPEA/416	
International application No. CT/AU2004/001171	International filing date (day/month/year) 6 September 2004	Priority date (day/month/year) 10 September 2003
International Patent Classification (IPC) or national classification and IPC  <i>Int. Cl.</i>  A63B 47/02 (2006.01)      A63B 57/00 (2006.01)		
Applicant MILNE, Tommy		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 3 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
- a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:
- ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

- ☒ Box No. I      Basis of the report
- ☐ Box No. II      Priority
- ☐ Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV      Lack of unity of invention
- ☒ Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI      Certain documents cited
- ☐ Box No. VII      Certain defects in the international application
- ☐ Box No. VIII      Certain observations on the international application

Date of submission of the demand 21 June 2005	Date of completion of this report 03 January 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>MANO RAMACHANDRAN</b> Telephone No. (02) 6283 2166

## x No. I Basis of the report

With regard to the language, this report is based on:

☒ The international application in the language in which it was filed

☐ A translation of the international application into  
translation furnished for the purposes of:

, which is the language of a

☐ international search (under Rules 12.3(a) and 23.1 (b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-6 as originally filed/furnished

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

☒ the claims:

pages as originally filed/furnished

pages\* as amended (together with any statement) under Article 19

pages\* 7-9 received by this Authority on 27 October 2005 with the letter of 27 October 2005.

pages\* received by this Authority on with the letter of

☒ the drawings:

pages 1-7 as originally filed/furnished

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (specify):

☐ any table(s) related to the sequence listing (specify):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (specify):

☐ any table(s) related to the sequence listing (specify):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

x No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## Statement

Novelty (N)	Claims 1-13	YES
	Claims	NO
Inventive step (IS)	Claims 4,5,12,13	YES
	Claims 1-3,6-11	NO
Industrial applicability (IA)	Claims 1-13	YES
	Claims	NO

## Citations and explanations (Rule 70.7)

INVENTIVE STEP (IS) claims 1-3, 6-11:

D1: US 5335953 A

D2: US 5004240 A

Claims 9-11:

Citation D1 discloses a golf ball retrieval device [column 2, lines 51-53] having a plurality of resiliently held fingers [25] which are shaped at their respective ends and aligned relatively one to the other such that when urged against the surface of a golf ball the fingers will be caused to spread against resilient pressure such that it will enable a golf ball to enter and be held there between the fingers [column 3, lines 4-20] having supported there between an abutment member [34] which when the retrieval device is in a resting position extends across an area defined by ends of the fingers [fig 3] which abutment member being divertable when the fingers are being urged against the surface of a golf ball [column 4, lines 11-29], said fingers being held such that there is no significant translation of the fingers in the direction of movement of the golf ball [column 4, lines 39-42], the abutment member is supported by a resilient support [29], as claimed. The invention defined in claims 9-11 differs from the disclosure of citation D1 in that the fingers are substantially rigid. However this additional feature merely amounts to common general knowledge and hence does not involve an inventive step.

Claims 1-3, 6-8.

Citation D2 discloses a golf retrieval device [10] with a base [32] adapted to be located on and secured to an upper end of a golf club shaft [column 2, lines 11-15], a spring [31] effecting a bias to urge a shaft [33a] with the abutment member into an outward most position relative to the base [fig 10].

Citation D1 in addition to the features mentioned above also discloses three fingers.

Hence when the disclosure of citation D1 is combined with that of citation D2, as would be obvious to a person skilled in the art, disclose the features of claims 1-3 and 6-8.

NOVELTY AND INVENTIVE STEP (IS) claims 4,5,12,13:

None of the citations discloses the features of the cam member as in appended claims 4, 5 and the features of the abutment member as in appended claims 12 and 13. Hence the invention claimed in claims 4, 5, 12 and 13 is considered to be novel and involves an inventive step.

**CLAIMS**

1. A golf ball retrieval device with a base adapted to be located on and secured to an upper end of a golf club shaft the retrieval device having at least two substantially rigid fingers projecting from the base substantially parallel to an axis running along the length of the club shaft  
5 a resilient support being provided at the base adapted to prevent a movement of the fingers in a direction parallel to the said axis while allowing each finger independently from the other finger or fingers to be movable with respect to the base so as to be able to be pivoted about the  
10 base such that an end of the respective finger distal from the base will swing outwardly and allow thereby against resilient pressure a spread of the fingers to provide a golf ball capturing space.
2. A device as in claim 1 wherein there is a shaft aligned to extend along an elongate axis of the base of the retrieval device said shaft  
15 supporting an abutment member at a forward end of the shaft so that when not in use this abutment member is positioned at an end distal from the base of the retrieval device.
3. A device as in claim 2 wherein there is a spring effecting a bias to urge the shaft with the abutment member into an outwardmost position  
20 relative to the base, such that when the fingers are in a closed position where this is the resting position the abutment member extends across an area between outer ends of the respective fingers.
4. A device as in claim 2 or claim 3 wherein there is a cam member slidably supported by the shaft and resiliently biased into an outwardmost  
25 position relative to the base which is inwardly moved relative to the fingers an engagement against an inner surface of each of these fingers and effect through such engagement a further spread of the fingers.

5. A device as in claim 4 wherein there is a helical spring between the said cam and the said base.
6. The device of any of the preceding claims wherein there are three fingers symmetrically aligned about a central axis of the body of the golf  
5 ball retrieval device.
7. A putter in combination with a device as in any one of the preceding claims.
8. A putter as in claim 7 wherein the ball-retrieval device has a stem that is embedded in an end of a shaft of the putter.
- 10 9. A golf ball retrieval device having a plurality of resiliently held, substantially rigid fingers which are shaped at their respective ends and aligned relatively one to the other such that when urged against the surface of a golf ball the fingers will be caused to spread against resilient pressure such that it will enable a golf ball to enter and be held  
15 therebetween, the fingers having supported therebetween an abutment member which when the retrieval device is not in use extends across an area defined by ends of the fingers, which abutment member being divertable when the fingers are being urged against the surface of a golf ball, said fingers being held such that there is no significant translation of  
20 the fingers in the direction of movement of the golf ball.
10. A golf ball retrieval device having a plurality of substantially rigid ball engaging members, and an end abutment member and a base member, the ball engaging members being held in a closely adjacent configuration by resilient means said means acting to prevent translation  
25 of the fingers with respect to the base member, thereby forming an open ended convolute sided cup shape, wherein the end abutment member

covers an otherwise open area between the ends of the fingers distal from the base member.

11. The device of claim 10 wherein the abutment member is supported by a resilient support, said support being substantially co-axial with a  
5 longer axis of the convolute sided cup shape.

12. The device of claim 11 wherein the abutment member is adapted to be pressed against a golf ball, whereby the support is deformed and the abutment member moves axially inside the convolute sided cup shape, remaining in contact with the ball, which ball comes into contact with the  
10 ball engaging members, which members are adapted to be forced apart by the force transmitted by the ball allowing the ball to move in between them, said members being urged to grip the ball by the resilient means.

13. The device of claim 12 wherein the abutment member and the ball engaging members co-operate such that as the abutment member moves  
15 axially inside the convolute sided cup shape, the ball engaging members are forced further apart by the movement of the abutment member, allowing the ball to move completely between the ball engaging members, wherein the ball is held in place by the resilient means urging the ball engaging members against the ball, and by the resilient support urging the  
20 abutment member against the ball, further urging the ball against the ball engaging members.